

U.S. Patent No. 10/743,960
Response After Final Rejection Dated January 11, 2005
Office Action Mailed January 4, 2005

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REMARKS

Claims 1-8 are pending, with claim 1 being the sole independent claim.

Claims 1, 2 and 4-7 were rejected under 35 USC § 103 as being obvious over U.S. Patent No. 4,168,757 (Mather et al.) in view of UK Patent Appl'n. No. 2,081,656 (Caswell). Claims 3 and 8 were rejected under 35 USC § 103 as being obvious over Mather et al. and Caswell in view of U.S. Patent No. 2,901,051 (Thibodeau). The rejections respectfully are traversed.

In general, a prima facie case of obviousness based on the combination of two patents can be established if there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings of the patents. As discussed below, Applicants submit that there is no motivation to combine Mather et al. and Caswell.

Mather et al. discloses a vehicle 10 including first and second hydraulic motors 88, 89 mounted on gear reduction cases 86, 87 mounted on a transmission case 70 of the vehicle 10. However, Mather et al. does not disclose or suggest a control arm pivotally coupled to the chassis, a spring, and other items recited in claim 1. These deficiencies in the teachings of Mather et al. are recognized in the Office Action.

Caswell discloses a vehicle including four wheels 4 which are distributed among a rear axle group 14 and a front axle group 16 and which are independently suspended with respect to the frame 2. *The drive is taken from one output drive shaft 32 to a rear differential 36 by way of shaft 38* universally jointed at each end. In the same manner, the front axles are driven through a front drive shaft 44.

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One of ordinary skill, knowing the teachings of Mather et al., would not look to Caswell in order to build a vehicle like the vehicle disclosed in Mather et al. but with the addition of a suspension. The vehicle of Mather et al. is capable of skid steering—with the wheels on one side of the vehicle turning at a different rate than the wheels on the other side of the vehicle to create a torque sufficient to rotate the vehicle about a vertical axis—while the vehicle of Caswell is not. In fact, modifying the vehicle disclosed in Caswell so that it could be skid steered would be an inventive feat in and of itself. Likewise, modifying the vehicle disclosed in Mather et al. (which discloses chain drives and two motors) to include the suspension disclosed by Caswell (which discloses a single motor and solid, shaft drives) would require so many complex modifications taught by neither Mather et al. nor Caswell as to require exercising the inventive faculty. One of ordinary skill simply would not be making his life any easier by attempting to combine Mather et al. and Caswell. As such, there is no motivation to combine them.

In light of this lack of motivation to combine Mather et al. and Caswell to arrive at the features of claim 1, Applicants submit that claim 1 is allowable over them. Since no other combination of references was used to reject the only independent claim and the dependent claims are deemed allowable because of their dependence from claim 1, Applicants submit that all of the claims are allowable over the applied art. As such, Applicants request an early notice of allowance.

This response was not earlier presented because Applicants believed the previous Amendment placed the application in condition for allowance. Moreover, Applicants do not add additional claims or otherwise burden the Examiner by this response. Accordingly, consideration and entry of this response is respectfully requested.

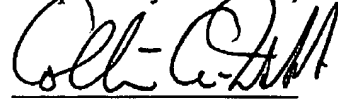
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No fee is believed due in association with this response. However, should it be determined that any fee is due, the Commissioner is authorized to charge Deposit Account No. 14-0780.

Applicants' undersigned attorney may be reached in our New Holland, Pennsylvania office by telephone at (717) 355-4954.

Respectfully submitted,



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